

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DAVID W. MANSFIELD,)	
)	
Plaintiff,)	
)	
v.)	No. 4:19-CV-2124 CAS
)	
ALANA BOYLES and CORIZON HEALTH,)	
)	
Defendants.)	

MEMORANDUM AND ORDER OF TRANSFER

This matter is before the Court upon review of the complaint filed by *pro se* plaintiff David W. Mansfield, an inmate at the Southeast Correctional Center (“SECC”) in Charleston, Missouri. For the reasons explained below, this case will be transferred to the United States District Court for the Western District of Missouri.

Plaintiff brings this case against Alana Boyles¹ and Corizon Health Medical Services, alleging violations of his civil rights under 42 U.S.C. § 1983. Plaintiff claims that he has a permanent foot deformity resulting from a February 2017 surgery performed by Corizon employee Dr. Epperson “while she was drunk.” ECF No. 1 at 3. According to plaintiff, as a result of the surgery, his right foot is now 2.5 to 3 inches shorter than his left foot, he is in constant pain, and he has to use a walker. The surgery occurred at Crossroads Correctional Center (“CCC”) in Cameron, Missouri, which is located in De Kalb County, in the Western District of Missouri. *See* 28 U.S.C. § 105(b)(3).

¹ Plaintiff describes defendant Alana Boyles as the Director of Missouri Department of Corrections (“MDOC”) in his complaint. *See* ECF No. 1 at 2. In fact, the Director of MDOC is Anne Precythe and Alana Boyles is the MDOC Director of the Division of Adult Institutions. *See* Mo. Dep’t of Corr., <https://doc.mo.gov/director/office-director/leadership-team> (last visited July 30, 2019). The offices of both Directors are located in Jefferson City, Missouri, in Cole County, in the Western District of Missouri. *Id.*

Under 28 U.S.C. § 1391(b), a civil action of this type may be brought in: “(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is subject of the action is situated; or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.”

“For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.” 28 U.S.C. § 1404(a). Here, plaintiff’s claims arise entirely from events which occurred during his incarceration in the Western District of Missouri. In addition, at least one defendant and presumably all of the witnesses are located in the Western District. Therefore, the Court concludes that it is in the interest of justice to transfer this case to the United States District Court for the Western District of Missouri for all further proceedings.

In addition, plaintiff has two pending motions before the Court. Plaintiff filed an application to proceed in district court without prepaying fees or costs. ECF No. 2. Having reviewed the application and the financial information submitted in support, the Court will grant the motion to proceed *in forma pauperis* subject to modification by the United States District Court for the Western District of Missouri. See 28 U.S.C. § 1915(a). Plaintiff also filed a motion for appointment of counsel. ECF No. 3. There is no constitutional or statutory right to appointed counsel in civil cases. See *Nelson v. Redfield Lithograph Printing*, 728 F.2d 1003, 1004 (8th Cir.

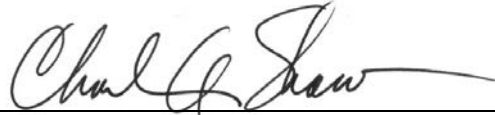
1984). The Court will deny plaintiff's motion for appointment of counsel without prejudice at this time, subject to refiling in the transferee court.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall **TRANSFER** this case to the United States District Court for the Western District of Missouri. *See* 28 U.S.C. § 1404(a).

IT IS FURTHER ORDERED that plaintiff's application to proceed in district court without prepaying fees or costs is **GRANTED**, subject to modification by the United States District Court for the Western District of Missouri. [ECF No. 2]

IT IS FINALLY ORDERED that plaintiff's motion for appointment of counsel is **DENIED without prejudice** at this time. [ECF No. 3]

A handwritten signature in black ink, appearing to read "Charles A. Shaw", is written over a horizontal line.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 31st day of July, 2019.